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CLAYTON HOWARD

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
CLAYTON HOWARD,  
  
Defendant.

Case No.: 2:20-cr-090 MCE

STIPULATION AND ORDER  
CONTINUING STATUS CONFERENCE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

Date: October 29, 2020  
Time: 10:00 a.m.  
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney  
Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate  
as follows:

1. This matter is presently set for a status conference on October 29, 2020.
2. This case involves a felon in possession of ammunition charge stemming from  
execution of a search warrant in San Joaquin County. Defendant appeared for  
ORDER CONTINUING STATUS  
CONFERENCE

arraignment on the charge contained in the Indictment on July 15, 2020. The case was set for an initial status conference before this Court on August 27, 2020. The government has provided written reports related to execution of the search warrant to defense counsel as discovery materials.

3. Defense investigation of this matter has been hampered due to measures taken by federal and state authorities in response to the COVID-19 pandemic. Specifically, pandemic restrictions delay the ability of the defense to conduct in-person interviews of potential witnesses and to obtain relevant records needed to evaluate potential defenses and for purposes of mitigation in the event of a negotiated disposition. Defendant Howard therefore requests to continue this matter to January 14, 2021.
4. Defendant Howard is being held in pre-trial detention at the Sacramento County Main Jail. During the entire time since Mr. Howard's arrest in this matter, federal courthouses in the Eastern District of California have been closed to public access. General Order 624, issued on September 30, 2020, has imposed public access restrictions to federal courthouses in the district for an additional 90-days from the date of the order – a closure order that essentially shuts public access to the federal courthouse through the end of 2020.
5. Given the need for additional time to conduct defense investigation, Defendant Howard requests to continue the status conference in this matter to January 14, 2021, at 10:00 a.m., and to exclude time between October 29, 2020 and January 14, 2021, inclusive, under Local Code T-4. The United States does not oppose this request.

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ORDER CONTINUING STATUS  
CONFERENCE

- 1           6. Attorney Todd Leras represents and believes that failure to grant additional time as  
2           requested would deny Defendant Howard the reasonable time necessary for effective  
3           preparation, considering the exercise of due diligence.  
4  
5           7. Based on the above-stated facts, Defendant Howard requests that the Court find that  
6           the ends of justice served by continuing the case as requested outweigh the best  
7           interest of the public and the Defendant in a trial within the time prescribed by the  
8           Speedy Trial Act.  
9  
10          8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*  
11          *seq.*, within which trial must commence, the time period of October 29, 2020 to  
12          January 14, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
13          3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance  
14          granted by the Court at Defendant Howard's request on the basis that the ends of  
15          justice served by taking such action outweigh the best interest of the public and the  
16          Defendant in a speedy trial.  
17  
18          9. Nothing in this stipulation and order shall preclude a finding that other provisions of  
19          the Speedy Trial Act dictate that additional time periods are excludable from the  
20          period within which a trial must commence.

21                 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and  
22                 authorized Todd Leras via email to sign it on her behalf.  
23

24         DATED: October 26, 2020

                  MCGREGOR W. SCOTT  
                  United States Attorney

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26                         By           /s/ Todd D. Leras for            
                                  CAMERON DESMOND  
27   Assistant United States Attorney

28         ORDER CONTINUING STATUS  
              CONFERENCE

DATED: October 26, 2020


By /s/ Todd D. Leras  
TODD D. LERAS  
Attorney for Defendant  
CLAYTON HOWARD

**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED that the status conference in this matter, scheduled for October 29, 2020 is VACATED. A new status conference is scheduled for January 14, 2021, at 10:00 a.m. The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from October 29, 2020, up to and including January 14, 2021.

IT IS SO ORDERED.

Dated: October 27, 2020

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS  
CONFERENCE